

DOMINICAN REPUBLIC 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Dominican Republic is a representative constitutional democracy. In July 2020 Luis Abinader of the Modern Revolutionary Party was elected president for a four-year term, the first transfer of power from one party to another in 16 years. Impartial outside observers assessed the election as generally free, fair, and orderly.

The National Police fall under the Ministry of Interior and Police but in practice report directly to the president. The Airport Security Authority, Port Security Authority, and Border Security Corps have some domestic security responsibilities and report to the Ministry of Defense and through that ministry to the president. The National Drug Control Directorate, which has personnel from both police and the armed forces, reports directly to the president, as does the National Department of Intelligence. Both the National Drug Control Directorate and the National Department of Intelligence have significant domestic security responsibilities. Civilian authorities generally maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by government security forces; cruel, inhuman, or degrading treatment or punishment by police and other government agents; harsh and life-threatening prison conditions; arbitrary detention; arbitrary interference with privacy; criminal libel for individual journalists; serious government corruption; and police violence against lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government took steps in some cases to prosecute and punish officials who committed human rights abuses or corrupt acts, but inconsistent and ineffective application of the law sometimes led to impunity.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that government agents committed arbitrary or unlawful killings. Extrajudicial killings of civilians by officers of the National Police were a problem. According to the National Human Rights Commission (NHRC), a nongovernmental organization (NGO), more than 4,000 individuals died during confrontations with police or security forces between 2010 and April 2021. As of October police killed a total of 41 persons, according to the Attorney General's Office, but the exact number of extrajudicial killings was unknown. Media and civil society acknowledged that many cases went unreported due to a lack of faith in the justice system to pursue charges.

In one of the most high-profile cases of the year, in March police killed Joel Diaz and Elizabeth Munoz under unclear circumstances when Diaz and Munoz were returning home after a church event. According to local media, the officers "confused" the couple's vehicle for the vehicle of wanted criminals and shot at the couple's vehicle while in pursuit. In April the Public Ministry (the ministry responsible for the formulation and implementation of the country's policy against crime, for the conduct of criminal investigations, and for public prosecution) ordered that all seven police officers involved in the shooting be arrested and put in pretrial detention.

On October 2, an off-duty police officer shot and killed Leslie Rosado after Rosado allegedly hit the officer's motorcycle and left the scene. The officer was assisted by a second officer, who helped him chase Rosado's vehicle. The Santo Domingo Este Prosecutor's Office requested the courts place the two police officers in pretrial detention and requested three months to complete the investigation. President Luis Abinader attended Rosado's funeral service, called her killing "an intolerable act of savagery," and promised to eradicate similar police abuse through police reform.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits torture, beating, and physical abuse, there were reports that security force members, primarily police, carried out such practices.

In April relatives of a young man in La Vega, the fourth largest city, reported to news outlets that the young man was beaten by police officers and left outside a convenience store. As of year's end, authorities reported they had investigated the incident, but no further information on their conclusions or steps taken was available.

Impunity was a problem within certain units of the security forces, particularly the National Police. The government worked to address issues related to impunity through training programs for police officers, including specialized courses on human rights included as part of their continuing education courses. On April 6, President Abinader created a special commission on police reform, scheduled to be effective for one year. On October 17, the president replaced the director and deputy director of the National Police. The president announced other reform initiatives, including limits on the use of force, improved training and performance evaluation mechanisms, an increase in the salaries for officers, and funding to allow for the immediate purchase of body cameras and car cameras to ensure all actions by police are recorded.

Prison and Detention Center Conditions

Prison conditions ranged from general compliance with international standards in "new-model" prisons, also called correctional rehabilitation centers (CRCs), versus harsh and life-threatening conditions in "old-model" prisons.

Physical Conditions: Gross overcrowding remained a problem in old-model prisons. The Directorate of Prisons reported that as of October there were 16,745 prisoners in old-model prisons and 10,407 in CRCs. La Victoria, the oldest prison,

held 7,647 inmates, although it was designed for a maximum capacity of 2,011. The inmate population at every old-model prison exceeded capacity, while only one of the 22 CRCs was over capacity.

Under the old-model prison system, inmates who were former police and military received preferential treatment and were held in separate facilities, as were prisoners with the financial means to rent preferential bed space and purchase luxuries.

According to the Directorate of Prisons, military and police personnel guarded old-model prisons, while a trained civilian corps guarded CRCs. Reports of mistreatment and violence in old-model prisons were common, as were reports of harassment, extortion, and inappropriate searches of prison visitors. Some old-model prisons remained effectively outside the control of authorities, with wardens often controlling only the perimeter, while inmates controlled the inside with their own rules and systems of justice. There were reports of drug trafficking, arms trafficking, prostitution, and sexual abuse in those prisons. Although the law mandates separation of prisoners according to severity of offense, authorities did not follow these rules in the old-model prisons.

In old-model prisons, health and sanitary conditions were generally inadequate. Prisoners often slept on the floor because no beds were available. Prison officials did not separate sick inmates, except for prisoners reporting COVID-19 symptoms. Delays in receiving medical attention were common in both the old-model prisons and CRCs. All prisons had infirmaries, but most infirmaries did not meet the needs of the prison population. In most cases inmates had to purchase their own medications or rely on family members or outside associates to provide medications. Illness was the primary cause of deaths reported in the prison system. According to the Directorate of Prisons, all prisons provided treatment for HIV and AIDS, but the NHRC stated that none of the old-model prisons was properly equipped to provide such treatment. As of October more than 1,800 prisoners had contracted COVID-19, resulting in 22 deaths.

In CRCs and certain old-model prisons, a subset of the prison population with mental disabilities received treatment, including therapy, for their conditions. In most old-model prisons, however, the government did not provide services to

prisoners with mental disabilities. In general the mental-health services provided to prisoners were inadequate or inconsistent with prisoners' needs.

The government reported it had installed wheelchair ramps in some prisons for prisoners with physical disabilities. NGOs claimed most prisons still did not provide access for inmates with disabilities.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted visits to and monitoring of prisons by independently funded and operated nongovernmental observers, international organizations, and media. The NHRC, National Office of Public Defense (NOPD), Attorney General's Office, and CRC prison administration together created human rights committees in each CRC that were authorized to conduct surprise visits. Access to migrant detention centers for monitoring, however, was not systematically granted to human rights organizations.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her detention in court. The government generally observed this requirement, but arbitrary arrests and detentions were reported. The constitution prohibits detention without a warrant unless authorities apprehend a suspect during the commission of a crime or in other special circumstances. The law permits detention without charges for up to 48 hours. In many instances authorities detained, fingerprinted, questioned, and then released detainees with little or no explanation for the detention.

Arrest Procedures and Treatment of Detainees

The law provides that an accused person may be detained for up to 48 hours without a warrant before being presented to judicial authorities. Nonetheless, there were reports of detainees who remained in police stations for long periods of time, even weeks, before being transferred to a prison. Police stations did not have adequate physical conditions or the resources, including food, to provide for detainees for an extended period.

The law permits police to apprehend without an arrest warrant any person caught in the act of committing a crime or reasonably linked to a crime, such as cases involving hot pursuit or escaped prisoners. Police often detained all suspects and witnesses to a crime. Successful habeas corpus hearings reduced abuses of the law significantly. There was a functioning bail system and a system of house arrest.

The law requires provision of counsel to indigent defendants. The NOPD provided free legal aid to those who could not afford counsel, but due to inadequate staffing, many detainees and prisoners who could not afford private counsel did not have prompt access to a lawyer. Prosecutors and judges handled interrogations of juveniles, since the law prohibits interrogation of juveniles by or in the presence of police.

Arbitrary Arrest: Police made sporadic sweeps or roundups in low-income, high-crime communities during which they arrested and detained individuals without warrants. During these operations police detained large numbers of residents and seized personal property allegedly used in criminal activity. Civil society groups claimed police were often unable to show proof or provide reasons for the detentions.

The International Organization for Migration (IOM) reported cases of Haitian migrants and their children, as well as Dominicans of Haitian descent, being detained and deported because authorities did not permit them to retrieve immigration or citizenship documents from their residences. There were also reports of deportations of unaccompanied children and of women who left children behind. The IOM reported that due to training they provided to migration officials, the number of erroneous deportations of documented and vulnerable persons had fallen by almost 60 percent over the past four years. IOM data for January to July showed a continued reduction in erroneous deportations, but IOM officials warned that erroneous deportations had increased since July, following Haitian president Moise's assassination and the Dominican Republic's increased border security measures and deportations.

Civil society organization representatives said the government informally deported individuals by taking them across the border without documentation. The IOM reported that the General Directorate of Migration referred to these cases as

“devolutions” or “not admitted” and that there was no due process in these operations. The IOM worked with the government to establish a system for nonadmitted persons.

Pretrial Detention: Many suspects endured long pretrial detention. A judge may order detention lasting between three and 18 months. According to the Directorate of Prisons, as of October, 59 percent of inmates in old-model prisons were in pretrial custody, compared with 62 percent of prisoners in CRCs. The average pretrial detention time was three months, but there were reports of pretrial detentions lasting more than three years, including cases involving foreign citizens. Time served in pretrial detention counted toward completing a sentence.

The failure of prison authorities to produce detainees for court hearings caused trial postponements. Many inmates had their court dates postponed due to a lack of transportation from prison to court. In other cases, lawyers, codefendants, interpreters, or witnesses did not appear or were not officially called by the court to appear. Despite protections in the law for defendants, in some cases authorities held inmates beyond the legally mandated deadlines, even when there were no formal charges against the inmates.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. In a change from past years, independent observers noted the government generally respected judicial independence and impartiality. The president respected the independence of the Attorney General’s Office and instructed senior officials to do the same. In addition independent observers noted the judiciary began investigating high-level cases of corruption and drug trafficking, including cases involving government allies.

Civil society and attorneys complained of the backlog of cases and what they considered undue delay in processes. Civil society and attorneys complained early in the year of virtual management of courts and hearings, but this matter became less of a concern as tribunals resumed in-person services and hearings later in the year.

Trial Procedures

The law provides for the right to a defense in a fair and public trial; however, the judiciary did not always enforce this right. The courts sometimes exceeded the maximum period of time established by the law for setting hearing dates.

The law provides for a presumption of innocence. The District Attorney's Office is required to notify defendants and their attorneys of criminal charges.

Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. The indigent have the right to a public defender, but the NOPD director stated the number of public defenders was insufficient to meet the demand. Defendants have the right to adequate time and facilities to prepare a defense. The law provides for free interpretation as necessary. The law provides for the right to confront or question witnesses and the right against self-incrimination. Defendants have the right to present their own witnesses and evidence. The constitution provides for the right to appeal and prohibits higher courts from increasing the sentences of lower courts.

Military and police tribunals share jurisdiction over disciplinary cases involving members of the security forces. Military tribunals have jurisdiction over cases involving violations of military rules and regulations. Civilian criminal courts handle cases of killings and other serious crimes allegedly committed by members of the security forces.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There are separate court systems for criminal law, commercial law, civil law, labor law, real estate law, and administrative law. Commercial and civil courts reportedly had lengthy delays in adjudicating cases, although their ultimate decisions were generally enforced. As in criminal courts, political and economic influence in civil court decisions continued to be a problem although less so from executive branch appointees.

Citizens have recourse to file a writ of *amparo*, an action to seek redress of any violation of a constitutional right, including violations of fundamental rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary entry into a private residence, except when police are in hot pursuit of a suspect, a suspect is caught in the act of committing a crime, or police suspect a life is in danger. The law provides that all other entries into a private residence require an arrest or search warrant issued by a judge. Despite these limits on government authority, police conducted illegal searches and seizures, including many raids without warrants on private residences in poor neighborhoods.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. Media expressed a wide variety of views, but the government frequently influenced the press, in part through its large advertising budgets. The concentration of media ownership, weaknesses in the judiciary, and political influence also limited media's independence.

Freedom of Expression: Individuals and groups were generally able to criticize the government publicly and privately without retaliation, although there were incidents in which authorities intimidated members of the press.

In March amid a public debate over proposed legislation to allow abortion in specific circumstances, the Public Ministry, on behalf of the National Council for Children and Adolescents (CONANI), notified Katherine Motyka, the founder and director of Jompeame (a crowdfunding foundation), that she must remove all images involving children and adolescents from her social media platforms or she would face legal charges. This was despite Motyka's claim that all images were

posted with full parental consent and that most of the children's identities were not revealed in the posts. The Public Ministry made the request after Jompeame published the case of a 12-year-old girl who was sexually abused and became pregnant as a result of the rape. Civil society groups claimed political desires to influence the public debate and limit abortion in all cases motivated the directive. Later that month CONANI reported that Jompeame complied with the request of the Public Ministry and removed from its platform a video that, according to a Public Ministry press release, "violated the right to image and integrity" of a young girl who was the victim of a serious crime.

Censorship or Content Restrictions: Journalists practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners. Observers suggested the government influenced the press through advertising contracts. In July 2020 the government's communications directorate published advertising expense reports that totaled more than 1.05 billion pesos (\$18.5 million) over eight years.

Libel/Slander Laws: The law criminalizes defamation and insult, with harsher punishment for offenses committed against public or state figures than for offenses against private individuals. The law penalizes libel for statements concerning the private lives of certain public figures, including government officials and foreign heads of state.

On February 10, ruling party legislator Sergio "Gory" Moya filed a lawsuit against the private investigator Angel Martinez, based in Miami, for alleged defamation and insult. In August a judge issued an arrest order against Martinez based on allegations that Martinez violated the high-technology crimes law. Moya requested that the court sentence Martinez to one year in prison and require him to pay 10 million pesos (\$177,000) for damages.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. In contrast with 2020, there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedom of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

On April 20, the night before debate on a new abortion law was to begin, police forcibly removed and destroyed the tents of women's rights activists who camped outside the presidential palace to raise awareness for decriminalizing abortion. Police officials argued they removed the tents because the group was in violation of COVID-19 curfew restrictions, which had been reduced on April 17. Women's rights activists stated police acted from political motivations to stifle expression on a controversial issue, as the activists had been camping there for several days without interference and when restrictions were stricter. Several lawmakers intervened in favor of the activists to defend their right to peaceful assembly.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions.

In-country Movement: Civil society representatives reported that citizens of Haitian descent, those perceived to be Haitian, and Haitian migrants faced obstacles while traveling within the country. NGO representatives reported that security forces at times asked travelers to show immigration and citizenship documents at road checkpoints throughout the country. Citizens of Haitian descent and migrants without valid identity documents reported fear of swift deportation

when traveling within the country, especially near the border with Haiti (see also section 1.d.).

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated in a limited manner with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

On January 22, the government announced a plan to normalize the migration status of Venezuelan nationals residing in the country with irregular migratory status. The program applied to Venezuelans, including children, who entered the country legally between January 2014 and March 2020. The government allowed applicants to apply with expired Venezuelan passports. Starting on April 5, the individuals had 30 days to register with the government. Approximately 43,000 persons registered. Registered individuals received a 60-day extension of legal status. Venezuelan migrants who were approved for the 60-day extension could apply for a temporary work or education visa. This status may be automatically renewed until the National Council on Migration declares an end to the current extraordinary situation in Venezuela.

The government and NGOs estimated an additional 100,000 Venezuelans lived in the country in an irregular migration status. In 2019 the government instituted a regulation requiring Venezuelans to apply for a tourist visa before entering the country. Previously Venezuelans needed only a valid passport and could receive a tourist visa at the point of entry. Many Venezuelans in the country entered legally before the new regulation and stayed longer than the three-month allowance.

Venezuelan refugee and immigrant associations, with the support of the IOM, UNHCR, and the Coordination Platform for Refugees and Migrants from Venezuela (R4V Platform), coordinated with the government and civil society organizations to provide public-health and legal services for Venezuelan refugees

and migrants. The R4V Platform was a regional interagency platform, led by the IOM and UNHCR, for coordinating the humanitarian response for refugees and migrants from Venezuela.

Access to Asylum: Presidential decrees from the 1980s established a system for granting asylum or refugee status; however, the system was not implemented through legislation and regulations. The constitution prohibits administrative detention for asylum seekers, and the law establishes that asylum seekers should not be detained under any circumstance. The system for providing protection to refugees was not effectively implemented. The government recognized and issued identity documents to very few refugees during the past few years. Rejection rates for asylum claims were close to 100 percent, and asylum applications often remained pending for several years.

The National Commission for Refugees (CONARE), an interministerial body led by the Ministry of Foreign Affairs, is responsible for adjudicating asylum claims. The adjudication process requires individuals to apply for asylum within 15 days of arrival in the country. If an asylum seeker is in the country for more than 15 days without applying for asylum, the individual permanently loses the right to apply for asylum. The law also rejects any asylum application from an individual who was in, or who proceeds from, a foreign country where the individual could have sought asylum. Thus the government makes inadmissibility determinations administratively before an asylum interview or evaluation by CONARE.

NGOs working with refugees and asylum seekers reported there was no information posted at ports of entry to provide notice of the right to seek asylum, or of the timeline and process for doing so. Furthermore, NGO representatives reported that immigration and other security officials did not appear to understand how to handle asylum cases in a manner consistent with the country's international commitments. By law the government must provide due process to asylum seekers. Persons expressing a fear of return to their country of nationality or habitual residence should be allowed to apply for asylum under the proper procedures. Nonetheless, there was generally neither judicial review of deportation orders nor any third-party review of "credible fear" determinations.

UN officials reported asylum seekers were not properly notified of inadmissibility

decisions. CONARE did not provide rejected asylum seekers with details of the grounds for the rejection of their asylum application or with information on the appeal process. Rejected applicants received a letter stating they had 30 days to leave the country voluntarily. According to government policy, from the time they receive the notice of denial, rejected asylum seekers have seven days to file an appeal. The notice-of-denial letter does not mention this right of appeal.

UN officials stated a lack of due process in migration procedures resulted in arbitrary detention of persons of concern with no administrative or judicial review (see also section 1.d.). As a result asylum seekers and refugees in the country were at risk of refoulement and prolonged detention.

According to refugee NGOs, CONARE does not acknowledge that the 1951 Refugee Convention definition of refugee applies to persons who express a well founded fear of persecution perpetrated by non state agents. This lack of acknowledgement had a detrimental effect on persons fleeing sexual and gender-based violence, trafficking, sexual exploitation, and discrimination due to their sexual orientation or gender identity.

Refoulement: There were reports of persons potentially in need of international protection being denied admission at the point of entry and subsequently being deported to their countries of origin without being granted access to the asylum process (see also section 1.d.).

Freedom of Movement: Persons claiming asylum often waited months to receive a certificate as an asylum seeker and to be registered in the government database. The certificate had to be renewed every 30 days at the national office in Santo Domingo, forcing asylum seekers who lived outside Santo Domingo to return monthly to the capital, accompanied by all their family members, or lose their claim to asylum. Asylum seekers with pending cases had only this certificate, or sometimes nothing at all, to present to avoid deportation. This restricted their freedom of movement. In cases where asylum seekers were detained for lack of documentation, refugee and human rights organizations were able to advocate for their release.

Some refugees recognized by CONARE were issued travel documents that were

not accepted in visa application processes, and some were not issued travel documents at all.

Employment: The government prohibited asylum seekers with pending cases from working. This situation was complicated by the long, sometimes indefinite waiting periods for pending asylum cases to be resolved. Some approved refugees lacked the documentation they needed in order to work. Employment was, nonetheless, a requirement by the government for renewing refugees' temporary residency cards.

Access to Basic Services: Approved refugees have the same rights and responsibilities as legal migrants with temporary residence permits. Approved refugees have the right to education, employment, health care, and other social services. Nonetheless, refugee organizations reported that problems remained. Only those refugees able to afford health insurance were able to access adequate health care. Refugees reported their government-issued identification numbers were sometimes not recognized, and thus they could not open a bank account or begin service contracts for basic utilities. Refugees sometimes had to rely on friends or family for such services.

Temporary Protection: A plan adopted in 2013, and which remained in force until 2014, enabled undocumented migrants in the country to apply for temporary legal residency. Although the exact number of undocumented migrants was unknown, the law granted temporary residency status to more than 260,000 applicants, 97 percent of whom were Haitian. As of November 2020, the plan was in limbo, with 196,480 persons having expired temporary permits after applying for renewal in 2019 and 2020 and still waiting to receive updated documents. Of the initial 260,000 applicants, only 14,763 had a valid permit to legally stay in the country; of these permit holders, 8,847 persons were nonresident students and 5,916 were temporary residents. Civil society organizations expressed concern that many plan participants lacked passports and other identity documents that were not needed in the initial registration but were needed for renewal. Civil society organizations added that the rules for renewal were unclear both to government authorities and to plan beneficiaries. Government and business closures to mitigate the spread of COVID-19 made it even more difficult for recipients of this temporary protection to renew their status.

On November 1, the National Migratory Council announced it would suspend a student visa program for Haitians and launch an audit of the more than 200,000 foreigners who had been granted temporary residency status under the prior administration.

No temporary residence documents were granted to asylum seekers; those found to be admissible to the process were issued a certificate that provided them with protection from deportation but did not confer other rights. This certificate often took months to be delivered to asylum seekers. Due in part to this delay, both refugees and asylum seekers lived on the margins of the migration system. Foreigners often were asked to present legal migration documents to obtain legal assistance or to access the judicial system; therefore, the many refugees and asylum seekers who lacked these documents were unable to access legal help for situations they faced under criminal, labor, family, or civil law.

Refugees recognized by CONARE must undergo annual reevaluation of their need for international protection, a procedure contrary to international standards. Refugees were issued one-year temporary residence permits that could not be converted to a permanent residence permit.

g. Stateless Persons

A constitutional change in 2010 and a 2013 Constitutional Tribunal ruling revised the country's citizenship laws. One effect was to strip retroactively Dominican citizenship from approximately 135,000 persons, mostly the children of undocumented Haitian migrants, who previously had Dominican citizenship by virtue of the *jus soli* (citizenship by birth within the country) policy in place since 1929.

The Inter-American Commission on Human Rights found that these legal revisions led to statelessness for the persons who lost their Dominican citizenship. UN officials and NGOs stated the legal changes had a disproportionate and negative impact on women and their children. They reported that mothers, especially unmarried mothers of Haitian origin, were unable to register their children the same way the fathers could. The law requires a special birth certificate for children born to foreign women who do not have documentation of legal residency. This

led to discrimination in the ability of children born to foreign women and Dominican citizen fathers to obtain Dominican nationality, especially if they were of Haitian descent. This was not true in the reverse situation when children were born to a Dominican citizen mother and a foreign-born father.

These obstacles to timely birth registration, which was necessary to determine citizenship, put at risk children's access to a wide range of rights, including the right to nationality, to a name and identity, and to equality before the law.

A 2014 law created a mechanism to provide citizenship papers or a naturalization process to stateless persons. The exact mechanism depends on the documentary status of the individual prior to the 2010 change in the constitution. In practice the new documentation mechanism was only partially successful. Many stateless persons did not register for the mechanism before its deadline.

In July 2020 the outgoing government approved the naturalization of 750 individuals, most of whom were minors who were stripped of their citizenship by the 2013 Constitutional Tribunal ruling and who were known as Group B. These 750 persons from Group B were the first to be approved for naturalization since the 2014 law was passed. In May President Abinader approved the naturalization of an additional 50 individuals from the same group. NGOs stated that while citizenship had been approved for the 800 individuals, none had received their documents as of October due to hurdles in different government agencies.

Through a mechanism outlined in the law for individuals with other circumstances (commonly known as Group A), the government identified and then issued birth certificates and national identity documents to approximately 26,000 individuals in 2014 and later that year identified an additional 34,900 individuals as potentially being part of Group A. As of October these individuals had not received an identity document confirming their Dominican nationality due to apparent concerns regarding the nature of the underlying documentation establishing citizenship. This placed them at a high risk of statelessness. The pool of individuals identified as potentially part of Group A extended back to individuals born as early as 1929. Because a number of those individuals had died or moved out of the country in the ensuing decades, the remaining number of eligible Group A individuals was likely substantially smaller than the 35,000 persons identified by

the Central Electoral Board (JCE).

According to observers many stateless individuals falling under the Group B profile were unable or unwilling to register for the naturalization process during the 180-day application window. As of October there was no way for this group to secure Dominican nationality. In addition there were other individuals born in the country at specific times and in specific circumstances connected to their parents who were in legal limbo related to their citizenship.

Dominican-born persons without citizenship or identity documents faced obstacles traveling both within and outside the country. Beginning in 2015 authorities attempted to deport some of these persons but were prevented by UN agency intervention. Stateless persons do not have access to electoral participation, formal-sector jobs, marriage registration, birth registration, formal loans, judicial procedures, state social-protection programs, and property ownership. Their access to primary public education and health care was limited. In addition those able to receive an education do not receive official recognition, such as a diploma, for completed schooling.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal, direct, and equal suffrage. Active-duty police and military personnel are prohibited from voting or participating in partisan political activities.

Elections and Political Participation

Recent Elections: Municipal elections were scheduled for February 2020. On the day of the election, however, the JCE suspended the election due to the failure of the electronic voting system. According to subsequent reports by the Organization of American States (OAS) and the Inter-American Union of Electoral Organizations, the failure was due to the JCE's poor management of the electronic system, including the failure to audit and gradually implement it. The OAS report led to the dismissal of the JCE's national computing director. In March 2020 voters participated in rescheduled municipal elections. International and domestic

observers described the rescheduled elections as largely free and fair.

Presidential and congressional elections were originally scheduled for May 15, 2020, but the JCE postponed these elections to July 5, 2020, due to the COVID-19 pandemic national state of emergency. In the July 2020 election, Luis Abinader of the Modern Revolutionary Party was elected as president for a four-year term. This was the first time since 2000 that a member of the opposition party won a presidential election. The JCE did not announce final, official results for the presidential election until two days after the election. Results for the congressional races were announced 12 days after the election. Some congressional and municipal races remained contested for weeks, leading to sporadic protests and violence, mainly in the National District, regarding seats in the lower chamber of congress. Overall, however, civil society and international observers praised the citizens and electoral authorities for a voting process that was orderly and largely peaceful, despite COVID-19 challenges.

During both the municipal and presidential elections, the OAS and domestic observers noted widespread illegal political campaigning immediately outside of voting stations, indications of vote buying, lack of financial transparency by political parties and candidates, and illegal use of public funds during the campaign. Most electoral crimes were not prosecuted.

Political Parties and Political Participation: A 2018 law regulates political parties and formalizes party primaries, party financing, and the establishment of new political parties. The electoral institutions and courts interpreted and implemented the 2018 law during the 2019-20 national electoral cycle, and the Constitutional Court struck down several parts. Civil society representatives commented that the law aided the organization of the 2020 electoral process. Principal political actors, however, largely ignored important sections of the law, particularly those related to campaign financing.

By law major parties, defined as those that received 5 percent of the vote or more in the previous election, receive 80 percent of public campaign finances, while minor parties share the remaining 20 percent. The OAS, domestic NGOs, and minor parties criticized this allocation of funding as unequal and unfair. Civil society groups criticized the government and the then ruling Dominican Liberation

Party for using public funds to pay for advertising shortly before the elections despite the legal prohibition on the use of public funds for campaigns. According to civil society groups, revenue from government advertising influenced media owners to censor voices that disagreed with the Dominican Liberation Party.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. The law stipulates that at least 40 percent, and no more than 60 percent, of a political party's nominees should be of a particular gender, but in practice women were underrepresented. Despite the gender balance provision in the law, the July 2020 elections resulted in approximately the same number of elected women as in 2016.

Even with the high profile of women during the July 2020 political contest, including female vice-presidential candidates on every party ticket, more than half of elected women were selected for secondary or substitute positions (such as vice presidency and vice mayor). Men won two-thirds of the direct leadership positions (such as presidency, mayor, and senator). For example, in the municipal elections, 724 of the candidates for mayoral positions were men while only 122 were women. Those numbers were effectively reversed for vice-mayoral positions, where 674 candidates were women and 122 were men.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and in a change from previous years noted by independent observers, the government generally implemented the law effectively. The attorney general investigated allegedly corrupt officials.

NGO representatives said the greatest hindrance to effective investigations was traditionally a lack of political will to prosecute individuals accused of corruption, particularly well connected individuals or high-level politicians. Under President Abinader, however, the attorney general pursued a number of cases against public officials, including high-level politicians and their families, mostly from the previous administration but also including members of the current administration.

Nonetheless, government corruption remained a serious problem.

Corruption: On June 15, the Specialized Prosecutor's Office on Administrative Corruption (PEPCA) arrested the then director of the national lottery Luis Maisichell Dient following allegations that Dient orchestrated a major fraud worth more than 150 million pesos (\$2.5 million). On June 29, PEPCA arrested former attorney general Jean Alain Rodriguez and seven others on fraud, public corruption, and money-laundering charges related to the construction of La Nueva Victoria Penitentiary. In September PEPCA made several arrests related to a drug-trafficking and money-laundering scheme involving one current official and three congressmembers, including one from the ruling party. In November PEPCA launched another operation that involved active military commanders. Most notably, authorities arrested Juan Carlos Torres Robiou, an Air Force general and former head of the Specialized Tourist Security Corps under the current administration. At the end of the year, all these cases were under investigation, and many of the defendants were under pretrial detention.

NGOs and individual citizens regularly reported acts of corruption by various law enforcement officials, including police, immigration officials, and prison officials. The government on occasion used nonjudicial punishments for corruption, including dismissal or transfer of military personnel, police, judges, and minor officials.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials often were cooperative and responsive to their views, human rights groups that advocated for the rights of Haitians and persons of Haitian descent faced occasional government obstruction.

Government Human Rights Bodies: The constitution establishes the position of human rights ombudsman. The ombudsman's functions are to safeguard human rights and protect collective interests. There is also a human rights commission,

cochaired by the minister of foreign affairs and the attorney general. The Attorney General's Office has its own human rights division.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men and women, spousal rape, domestic violence, incest, and sexual aggression. Sentences for rape range from 10 to 15 years in prison and a modest fine. The Attorney General's Office oversees the Violence Prevention and Attention Unit, which had 19 offices in the country's 32 provinces. The Attorney General's Office instructed its officers not to settle cases of violence against women and to continue judicial processes even when victims withdrew charges. District attorneys provided assistance and protection to victims of violence by referring them to appropriate institutions for legal, medical, and psychological counseling.

The Ministry of Women promoted equality and the prevention of violence against women and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community by implementing education and awareness programs, as well as training other ministries and offices. During the year the ministry revamped or opened a total of 15 shelters for female and child victims of violence, including one dedicated for trafficking victims. The ministry also collaborated with police and the Attorney General's Office to put in place a gender and domestic violence response unit, including training all personnel on proper response to emergency calls and visits. NGO representatives generally welcomed these efforts but insisted more was needed.

In March a group of journalists released a report showing that in 2019, one in four femicides was not registered as such by the Attorney General's Office. According to the report, the Attorney General's Office only counted intimate femicides – those committed by a partner or former partner – among official cases. In 2019 the Attorney General's Office officially registered 77 femicides, while the journalists' report identified 103 cases that same year.

Other Harmful Traditional Practices: Acid attacks, predominantly against

women, with a mix of sulfuric, hydrochloric, and muriatic acid, a concoction commonly referred to as devil's acid, constituted a problem for authorities. The director of the burn unit of one of the largest trauma centers in the country said that 7 percent of annual admissions to the unit were patients suffering from devil's acid burns. The government typically prosecuted the organizer of the attack (usually a former partner), not the persons hired to commit the act itself. Persons convicted for this crime received sentences of up to 20 years in prison but often spent only two years in prison, according to civil society leaders. In September Attorney General Miriam German instructed public prosecutors to treat attacks with devil's acid as "acts of torture or cruelty."

Sexual Harassment: The law defines sexual harassment by an authority figure as a misdemeanor; conviction carries a sentence of one year in prison and a large fine. Union leaders reported the law was not enforced and that sexual harassment remained a problem.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of the government authorities.

Low income was a barrier to accessing information on reproductive health care. Family-planning NGOs provided contraceptives without charge. Many low-income women, however, used them inconsistently due to lack of information, irregular availability, societal influences, and cultural male dominance.

The government provided some access to sexual and reproductive health services for survivors of sexual violence through the Ministry of Women, but most of the burden for providing these services fell on women's rights NGOs. Emergency contraception was available.

According to Human Rights Watch, pregnant students and young mothers often found it difficult or impossible to continue their education. A women's rights NGO said there were many reasons why young women and girls dropped out of school after pregnancy, including the impact of pregnancy on their health and deficiencies in the educational system that prevented many women and girls from returning. Many were expelled from school, although it is illegal to do so, or were moved to night classes under the pretext that they were a "bad example" to other

students. The NGO also noted that once young women and girls became pregnant, their families and communities considered them emancipated, regardless of their age. The young mothers were expected to stay home to take care of the baby and carry out other household chores.

Discrimination: Although the law provides women and men the same legal rights, women did not enjoy social and economic status or opportunity equal to that of men. Civil society organizations explained that women faced obstacles regarding economic equality and independence. In addition no law requires equal pay for equal work.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination based on skin color and nationality. There was evidence of racial prejudice and discrimination against persons of dark complexion, Haitians, or those perceived to be Haitian. Civil society and international organizations reported that officials denied health care and documentation services to persons of Haitian descent and Haitian migrants (see also sections 1.d., 2.d., and 2.g.).

Afro-Dominicans and citizens of Haitian descent experienced discrimination when accessing a variety of government services. Hospitals sometimes wrongfully gave pink birth certificates (indicating foreigner status) to children of parents assumed to be Haitian migrants based on the color of their skin, accent, or name. Police detained citizens of Haitian descent for deportation or alleged crimes based on their skin color, their accent, their place of residence, or their name. At some government agencies, as a way to keep them from accessing their documents, citizens of Haitian descent were routinely prevented from parking their vehicles or using the restroom. In November the country began deporting pregnant Haitians and Haitian persons who recently gave birth as part of newly instituted migratory policies to curb the prevalence of undocumented immigrants.

Vice Minister for Migration Management and Naturalization Juan Manuel Rosario repeatedly questioned in media the validity of the decree attempting to regularize citizens of Haitian descent. There were reports that under Vice Minister Rosario's leadership, the ministry instituted a series of documentation requirements and

administrative hurdles that made it virtually impossible for persons of Haitian descent and Haitian migrants to obtain their rightful documents. During the summer the Ministry of Foreign Affairs clarified that the government continued to defend the legality of the naturalization decree issued by then president Medina and that Rosario's comments did not reflect a change in the government's position. In addition, on October 10, Director General for Migration Enrique Garcia stated that citizens "cannot allow them [Haitians] to take away our country" and noted that "the Haitian solution is not in the Dominican Republic." On a December 1 radio interview, Garcia stated that the deportation of pregnant Haitians was not illegal, since the law only prohibits their "detention." He added that he could even look for them "under the beds...because the law allows [him] to."

Children

Birth Registration: Citizenship comes with birth in the country, except to children born to diplomats, to those who are "in transit," or to parents who are illegally in the country (see also section 2.g.). A child born abroad to a Dominican mother or father may also acquire citizenship. Children not registered at birth remain undocumented until the parents file a late declaration of birth.

Child Abuse: Abuse of children younger than age 18, including physical, sexual, and psychological abuse, was a serious problem. The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides for sentences of two to five years' incarceration and a large fine for persons convicted of physical and psychological abuse of a minor. Despite this legal framework for combatting child abuse, local NGOs reported that few cases were reported to authorities and fewer still were prosecuted.

Child, Early, and Forced Marriage: In late December 2020, Congress passed a bill prohibiting marriage of persons younger than 18. The bill took effect in January. Prior to passage of the law, 22 percent of girls ages 15 to 19 had been pregnant, an issue directly related to early marriage. Girls often married much older men. Child marriage occurred more frequently among girls who were uneducated, poor, and living in rural areas. More than one-half of the women in the country's poorest quintile were married by age 17.

Sexual Exploitation of Children: The law defines statutory rape as sexual relations with anyone younger than 18. Penalties for conviction of statutory rape are 10 to 20 years in prison and a significant fine.

Children were exploited for commercial sex, particularly in tourist locations and major urban areas. Child pornography was also rampant and growing due to the ease of online exploitation. The government conducted programs to combat the sexual exploitation of minors.

Displaced Children: Large populations of children, primarily Haitians or persons of Haitian descent, lived on the streets and were vulnerable to trafficking.

International Child Abductions: The country is a party to the 1980 Hague Convention on International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community comprised approximately 350 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities were unable to access education, health services, public buildings, or transportation on an equal basis with others. The law provides for access to the labor market, recreational and cultural activities, and physical access to all new public and private buildings, but these laws were not enforced effectively. The law specifies that each ministry should collaborate with the National Disability Council to implement these provisions. Very few public buildings were fully accessible.

The Dominican Association for Rehabilitation received support from the Ministry of Public Health and the Office of the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities and to operate specialized schools for children with physical and mental disabilities. Lack of accessible public transportation was a major impediment.

The law states the government should provide access to the labor market and to cultural, recreational, and religious activities for persons with disabilities, but the law was not consistently enforced. There were three government centers for the care of children with disabilities, one each in Santo Domingo, Santiago de los Caballeros, and San Juan de la Maguana. These centers served a small percentage of the population with disabilities, offering their services to children with cerebral palsy, Down syndrome, and autism spectrum disorder. They had lengthy waiting lists for children seeking care. The most recent information, from a 2016 Ministry of Education report, found that 80 percent of registered students with disabilities attended some form of school.

HIV and AIDS Social Stigma

Although the law prohibits the use of HIV testing to screen employees, the government, Human Rights Watch, Amnesty International, and the International Labor Organization reported that workers in various industries faced obligatory HIV testing. Workers were sometimes tested without their knowledge or consent. Many job applicants found to have HIV were not hired, and some of those already employed were either fired from their jobs or denied adequate health care.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution protects the principles of nondiscrimination and equality before the law, but it does not specifically include sexual orientation and gender identity as protected categories. It prohibits discrimination on the grounds of “social or personal condition” and mandates that the state “prevent and combat discrimination, marginalization, vulnerability, and exclusion.” The law prohibits discrimination based on sexual orientation and gender identity only for policies related to youth and youth development.

Discrimination limited the ability of LGBTQI+ persons to access education, employment, health care, and other services. NGO representatives reported widespread discrimination against LGBTQI+ persons, particularly transgender individuals and lesbians, in health care, housing, education, justice, and employment. LGBTQI+ individuals also faced rampant intimidation and harassment.

Other Societal Violence or Discrimination

There were reports of citizens attacking and sometimes killing suspected criminals in vigilante retaliations for theft, robbery, or burglary. Authorities usually investigated these incidents and prosecuted those involved.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, with the exception of the military and police, to form and join independent unions, conduct legal strikes, and bargain collectively; however, it places several restrictions on these rights. For example, the law restricts collective bargaining rights to those unions that represent a minimum of 51 percent of the workers in an enterprise. In addition the law prohibits strikes until mandatory mediation requirements have been met.

Formal requirements for a strike to be legal also include the support of an absolute majority of all company workers for the strike, written notification to the Ministry of Labor, and a 10-day waiting period following notification before the strike can proceed. Government workers and essential public-service personnel may not strike. The government adopted a broad definition of essential workers, including teachers and public-service workers in communications, water supply, energy supply, hospitals, and pharmacies.

The law prohibits antiunion discrimination and forbids employers from dismissing an employee for participating in union activities, including being on a committee seeking to form a union. Although the Ministry of Labor must register unions for the unions to be legal, the law provides for automatic recognition of a union if the ministry does not act on an application within 30 days. The law allows unions to

conduct their activities without government interference. Public-sector workers may form associations registered through the Office of Public Administration. The law requires that 40 percent of employees of a government entity agree to join for the association to be formed. According to the Ministry of Labor, the law applies to all workers, including foreign workers, those working as domestic workers, workers without legal documentation, and workers in the free-trade zones.

The government did not effectively enforce laws related to freedom of association and collective bargaining, and penalties were not commensurate with other laws involving denials of civil rights. The process for addressing labor violations through criminal courts can take years, leaving workers with limited protection in the meantime. In recent years there were reports of intimidation, threats, and blackmail by employers to prevent union activity. Some unions required members to provide identity documents to participate in the union even though the labor code protects all workers regardless of their legal status.

Labor NGO representatives reported companies resisted collective negotiating practices and union activities. In recent years companies reportedly fired workers for union activity and blacklisted trade unionists, among other antiunion practices. Workers reported they believed they had to sign documents pledging to abstain from participating in union activities. Companies also created and supported “yellow” or company-backed unions to counter free and democratic unions. Formal strikes occurred but were not common.

Few companies had collective bargaining pacts, partly because companies created obstacles to union formation and could afford to go through lengthy judicial processes that independent unions could not afford.

b. Prohibition of Forced or Compulsory Labor

The antitrafficking law prohibits forced labor, but there were gaps in enforcement. The laws related to forced labor in the country were not sufficient to meet international standards, as they do not criminally prohibit forced labor except when it results from human trafficking and coercion. The law prescribes imprisonment and fines for persons convicted of exploiting forced labor. Such penalties were not commensurate with penalties for analogous crimes.

The government did not consistently enforce the law. Forced labor of adults occurred in construction, agriculture, and services. Forced labor of children also occurred (see section 7.c.).

The law applies equally to all workers regardless of nationality, but Haitian workers' lack of documentation and uncertain legal status in the country made them more vulnerable to forced labor. NGO representatives reported many irregular Haitian laborers and citizens of Haitian descent did not exercise their rights due to fear of being fired or deported.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit all the worst forms of child labor in a manner consistent with international standards. The law prohibits employment of children younger than 14 and places restrictions on the employment of children younger than 16, limiting them to six working hours per day. For persons younger than 18, the law limits night work and prohibits employment in dangerous work such as work involving hazardous substances, heavy or dangerous machinery, and carrying heavy loads. The law provides penalties for child labor violations, including fines and prison sentences. Penalties were not commensurate with penalties for analogous crimes.

The Ministry of Labor, in coordination with the National Council for Children and Adolescents, the National Police, the Attorney General's Office, and the Specialized Corps for Tourist Safety Local Vigilance Committees, was responsible for enforcing child labor laws. The government did not effectively enforce the law. The number of labor inspectors and inspections was insufficient. Incomplete or incorrect labor inspection reports and insufficient prosecutorial resources led to few prosecutions on criminal matters involving child labor. Labor inspectors are authorized to reinspect worksites to ensure that violations are remedied.

Reinspections occurred less frequently and were more difficult and less consistent in remote rural areas. Some inspection reports did not set a time frame for the remediation of the violations identified.

The porous border with Haiti allowed some Haitian children to be trafficked into the country, where they were forced into commercial sexual exploitation or forced to work in agriculture, often alongside their parents, or in domestic work, street vending, construction, or begging (see also section 6). Some Dominican children were also subject to forced sexual exploitation and forced work. Low income and rural children were at greater risk. Children were also used in illicit activities, including drug trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The constitution creates rights of equality and nondiscrimination, regardless of sex, skin color, age, disability, nationality, family ties, language, religion, political opinion or philosophy, and social or personal condition. The law prohibits discrimination, exclusion, or preference in employment, but there is no law against discrimination in employment based on sexual orientation, gender identity, or stateless status. No law mandates equal pay for equal work.

The government did not effectively enforce the law against discrimination in employment, and penalties were not commensurate with penalties for other civil rights violations. Discrimination in employment and occupation occurred with respect to persons with HIV or AIDS, persons with disabilities, persons of darker skin color, LGBTQI+ persons, persons of Haitian nationality, and women (see section 6).

A 2019 Ministry of the Economy report showed the per-hour labor wage gap between men and women continued to increase. Between 2014 and 2020, on average women received 16.7 percent less salary than men, according to a study from the Office of National Statistics.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a minimum wage that varies depending on the size of the enterprise and the type of labor. As of October 2019, the minimum wage for all sectors within the formal economy, except sugar cane

harvesters, was above the official poverty line; however, a study by the Juan Bosch Foundation found that only one-half of the minimum wage rates were high enough for a worker to afford the minimum family budget.

The law establishes a standard workweek of 44 hours, not to exceed eight hours per day on weekdays, and four hours on Saturdays before noon. Agricultural workers are exempt from this limit, however, and may be required to work up to 10 hours each workday without premium compensation.

The law covers different labor sectors individually. For example, the laws covering domestic workers establish lower standards for hours of work, rest, annual leave, sick leave, and remuneration than for other sectors and do not provide for notice or severance payments. The labor code covers workers in the free-trade zones, but those workers are not entitled to bonus payments, which represented a significant part of the income of most workers in the country.

Mandatory overtime was a common practice in factories, enforced through loss of pay or employment for those who refused. The Federation of Free Trade Zone Workers reported that some companies in the textile industry set up “four-by-four” work schedules under which employees worked 12-hour shifts for four days. In a few cases employees working the four-by-four schedules were not paid overtime for hours worked in excess of the maximum allowable work hours.

Occupational Safety and Health: The Ministry of Labor set occupational safety and health (OSH) regulations that were appropriate for the main industries. By regulation employers are obligated to provide for the safety and health of employees in all aspects related to the job. By law employees may remove themselves from situations that endanger health or safety without jeopardy to their employment, but they may face other punishments for their action.

Authorities conducted inspections but did not effectively enforce minimum wage, hours of work, and OSH standards. Penalties for violations were not commensurate with those for similar crimes. The number of labor inspectors was not sufficient to enforce compliance. Inspectors had the authority to conduct unannounced inspections and to recommend sanctions. The Public Ministry, the independent prosecutors’ ministry, is responsible for pursuing and applying

penalties for labor violations uncovered by labor inspectors; in practice it infrequently applied penalties.

Conditions for agricultural workers were poor. Many workers worked long hours, often 12 hours per day and seven days per week, and suffered from hazardous working conditions, including exposure to pesticides, long periods in the sun, limited access to potable water, and sharp and heavy tools. Some workers reported they were not paid the legally mandated minimum wage. The Central Romana Corporation and other sugar producers faced allegations that they paid their workers substandard wages and forced them to work in unsafe conditions. Worker rights activists said sugarcane workers were paid 210 pesos (\$3.70) per ton of sugarcane cut, and if there were any problems with the production, wages were further reduced (workers were paid between 173 pesos (\$3.05) and 190 pesos (\$3.35) per “burnt” or damaged ton). Workers normally cut three to four tons a week and thus made between 519 pesos (\$9.16) to 840 pesos (\$14.82) a week, well below the country’s poverty line. A series of journalistic investigations alleged that Central Romana Corporation, which was responsible for nearly 60 percent of Dominican sugar, might have systematically deprived workers of promised benefits or drastically limited access to benefits including health care, lodging, and pensions.

Industrial accidents caused injury and death to some workers. There were reports that Central Romana routinely exposed its workers to dangerous working conditions, including exposure to chemicals and unsafe machinery, and did not support workers’ medical expenses when they were injured or became ill as a result of workplace incidents.

Informal Sector: The law applies to both the formal and informal sectors, but it was seldom enforced in the informal sector, which comprised approximately one-half of all workers. Most of the informal-sector jobs were in construction, agriculture, and commerce. Many of the informal-sector workers were undocumented persons or women. Workers in the informal economy faced more precarious working conditions than formal-sector workers.